

CHAPTER 27-03-04

CLAIMS FOR BENEFITS FOR INTRASTATE WORKERS

Section

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27-03-04-01. Initiation of a claim for benefits.

1. **New claims filed in person.** A new claim for benefits filed in person shall be initiated with a representative of the bureau at any bureau office or with an itinerant representative of the bureau. Such claim shall be made on the initial claim form, setting forth that the worker has registered for work and requests determination of insured status and such other information as is required by the form.

The effective date of a new claim filed in person, except those made by partially unemployed workers, shall be as of the first day of the calendar week in which the worker registers for work and makes the worker's claim for benefits. If an individual normally served by an itinerant service office becomes unemployed during a week in which itinerant service is not scheduled, the individual's claim may be backdated to the first day of the calendar week in which the individual became unemployed if the individual appears on the next regularly scheduled itinerant service date to register for work and file the individual's claim for benefits.

2. **New claims filed by mail.** The bureau or its representative may permit a worker living in an isolated area to file by mail on form nduc-233, application for unemployment compensation benefits, which form shall be mailed to the worker upon receipt of the worker's communication. If such individual is determined to have insured status, the individual shall then be required to appear in person at the individual's nearest local office of the public employment service as directed, or at an itinerant point of such office on the first day that such itinerant point is open subsequent to the individual's receipt of the determination, to complete the individual's registration for work and to provide such other information as may be required.

The effective date of a new claim for benefits filed by mail shall be the first day of the calendar week in which the individual so claiming mailed the individual's written application to the bureau or its representative. The postmark date appearing on the envelope containing the original

request shall establish the calendar week in which the new claim is effective.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-01-01(5), 52-01-01(21), 52-06-01, 52-06-08

27-03-04-02. Continuing a claim for benefits.

1. **Continued claims filed in person.** Continued claims filed in person, except those filed by partially unemployed workers, shall be made on form nduc-217, continued claim, setting forth that for the week entered on the continued claim form the claimant:
 - a. Claims benefits.
 - b. Was able to work, available for work, actively seeking work, and registered for work.
 - c. Had no work and earnings except as entered on the form.
 - d. Such other information as is required thereby.

Continued claim, form nduc-217 shall renew the worker's registration for work and continue the worker's claim for benefits.

2. **Continued claims filed by mail.** Continued claims filed by mail, except those made by partially unemployed workers, shall be made on form nduc-217, continued claim, setting forth that for the week entered on the claim form the claimant:
 - a. Claims benefit.
 - b. Was able to work, available for work, actively seeking work, and registered for work.
 - c. Had no work and earnings except as entered on the form.
 - d. Such other information as is required thereby.

Form nduc-217 shall renew the worker's registration for work and continue the worker's claim for benefits. Form nduc-217, continued claim, shall be provided to the worker for each week of unemployment subsequent to the effective date of the worker's claim, however, no such claims may be authorized for waiting period credit or payment by the bureau until the worker has appeared in person at the local office of the bureau or at an itinerant point, when so directed, to complete the worker's registration for work and otherwise establish the worker's eligibility for benefits.

3. **Frequency of filing continued claims for benefits.** A claimant, except a partially unemployed worker, shall submit a continued claim, form nduc-217 in person or by mail to the local office of the bureau or to the central office of the bureau. If mailed, the postmark date appearing on the envelope shall constitute the date on which the continued claim is filed.
4. **Reporting.** A claimant shall report in person as directed by the bureau or its representatives. Failure to report shall result in ineligibility for benefits until such time as the claimant does report as directed.
5. **Failure to report - Late filing of continued claims.** If a claimant, except a partially unemployed worker, fails to renew the claimant's registration for work and continue the claimant's claim for benefits for a week of unemployment at the time specified by the bureau or its representative, the claimant's claim shall be denied; however, if such claimant is otherwise eligible and has shown good cause for having failed to file the claimant's continued claim at the specified time, the bureau shall accept a continued claim for benefits for such week if such claim is made on or prior to the claimant's next regularly established date for filing a continued claim. Furthermore, the bureau may authorize the acceptance of continued claims filed after the expiration of the grace period hereby provided for late filing of claims if it can be shown that the late filing of claims was due to a suspension of normal communication and transportation facilities, or due to no fault on the part of the claimant.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-01-01(5), 52-01-01(21), 52-06-01, 52-06-08

27-03-04-03. Withdrawal of mail claim privilege. The bureau or its representative reserves the right to withdraw the mail claim privilege granted to claimants if circumstances warrant such action.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-01-01(5), 52-01-01(21), 52-06-01, 52-06-08

27-03-04-04. Reporting by mail after reemployment. If a worker, except a partially unemployed worker, becomes employed in a week or immediately following a week for which the worker may be eligible for benefits and such employment prevents the worker from filing a continued claim, in accordance with regularly established continued claim filing procedure, the worker may claim such benefits by mailing to the office at which the worker registered for work and made the worker's claim for benefits, a report of such employment and all earnings received in such week, in the form of a signed statement which shall constitute the worker's claim for benefits for such week.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-01-01(5), 52-01-01(21), 52-06-01, 52-06-08

27-03-04-05. Permission to report at local office other than where claim filed. The bureau, for reasons found to constitute good cause for an individual's inability to report at the bureau office or itinerant service office at which the individual filed the individual's claim for benefits and registered for work, may permit such individual to report to any other bureau office or itinerant service office, utilized by the bureau.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-01-01(5), 52-01-01(21), 52-06-01, 52-06-08

27-03-04-06. Reinstating a claim for benefits - Additional or reopened.

1. **Application for reinstatement.** A claimant, except a partially unemployed worker, who has not filed continued claim for two or more regularly established filing dates, shall apply for reinstatement in accordance with the provisions set forth in section 27-03-04-01.
2. **Reinstatement after employment.** If a worker has not filed continued claims for benefits for two or more regularly established filing dates and has been employed since last filing a claim for benefits, an additional claim shall be completed on the additional or reopened claim form, and separation information from the last employer shall be obtained.
3. **Reinstatement without intervening employment.** If a worker has not filed continued claims for two or more regularly established filing dates but has had no employment since last filing a claim for benefits, a reopened claim shall be filed on the additional or reopened claim form giving the reason for the interruption in the claims series.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-01-01(5), 52-01-01(21), 52-06-01, 52-06-08

27-03-04-07. Responsibility of claimant to furnish information. A claimant shall provide such information in connection with the claimant's claim for benefits as the bureau or its representative deems necessary for the proper administration of the law. If a claimant fails to submit information as requested by the bureau or its representative, within one week of the date on which such information is requested, a determination will be made on the basis of information available to the bureau.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-01-01(5), 52-01-01(21), 52-06-01, 52-06-08

27-03-04-08. Claimant reporting requirement - Periodic eligibility interviews. A claimant who fails, without good cause, to report to a job service office as directed is not entitled to benefits for the week in which such failure occurs and for every subsequent week until such time as the claimant does report as directed. A claimant may be directed to report to a job service office for the purpose of participating in periodic eligibility interviews. Job service shall establish

a reasonable frequency of periodic eligibility interviews giving consideration to the claimant's potential for being recalled to work by the claimant's former employer and the claimant's prospects for obtaining work.

History: Effective December 1, 1988.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-06-01(2)